

~~FCC MAIL SECTION~~

Federal Communications Commission

FCC 00-181

MAY 23 2 14 PM '00

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of the Commission's Rules )  
With Regard to the 3650-3700 MHz ) ET Docket No. 98-237  
Government Transfer Band )  
 )

## MEMORANDUM OPINION AND ORDER

Adopted: May 17, 2000

Released: May 22, 2000

By the Commission:

1. By this action, we modify the freeze imposed in the *Notice of Proposed Rule Making and Order* ("Notice and Order") in this proceeding on applications for new earth stations and major modifications in existing earth stations in the 3650-3700 MHz band, which is also referred to as the extended C-band.<sup>1</sup> Specifically, we are partially lifting the freeze to allow the acceptance of applications for new extended C-band earth station receive sites that are in close proximity (i.e., 10 miles or less) of an existing grandfathered extended C-band earth station receive site. Additionally, we are lifting the freeze with respect to major modifications to existing grandfathered extended C-band earth station receive sites.

2. In the *Notice and Order* the Commission proposed to allocate the 3650-3700 MHz band to the non-government fixed service on a primary basis.<sup>2</sup> To ensure that adequate opportunities would continue to exist for the provision of fixed services in the 3650-3700 MHz band, the Commission stated that it would no longer accept applications for new earth stations or major modifications in existing earth station facilities for the fixed-satellite service ("FSS") in the 3650-3700 MHz band. The *Notice and Order* grandfathered existing extended C-band earth stations.<sup>3</sup>

3. The C-Band Coalition and New Skies Satellites N.V. ("New Skies") have petitioned the Commission to lift the freeze on applications for new earth stations and major modifications of existing earth stations operating in the extended C-band.<sup>4</sup> New Skies states that the freeze has hampered its ability to provide essential international telecommunications services and urges the

<sup>1</sup> See *Notice of Proposed Rule Making and Order*, released December 18, 1998, 14 FCC Rcd 1295 (1998), 64 Fed. Reg. 02462.

<sup>2</sup> *Id.* at paragraphs 1, 6-12.

<sup>3</sup> *Id.* at paragraph 2.

<sup>4</sup> See Request For Emergency Relief, filed on March 26, 1999 and Modified Request For Emergency Relief and Request For Expedited Action, filed on October 28, 1999 by New Skies Satellites N.V. See also Ex Parte submitted by the C-Band Coalition dated December 16, 1999

Commission to lift the freeze on the extended C-band altogether or to lift the freeze on a more limited basis.<sup>5</sup> The C-Band Coalition requests that the Commission immediately lift the freeze on a limited basis to allow continued operations of satellite services in the extended C-band until the proceeding is resolved.<sup>6</sup> New Skies and the C-Band Coalition believe that if the Commission cannot completely lift the freeze it should provide a more limited immediate relief to the satellite industry.<sup>7</sup> Specifically, New Skies requests that the Commission should lift the freeze for all Metropolitan Statistical Areas ("MSAs") leaving the Commission with the option of authorizing fixed service operation in all Rural Service Areas ("RSAs").<sup>8</sup> New Skies and the C-Band Coalition note that the Commission could alternatively use other geographic licensing areas to lift the freeze, such as in the top 200 Basic Trading Areas ("BTAs") (based upon population), while preserving the remaining 293 BTAs for Fixed Service operations.<sup>9</sup> The C-Band Coalition also recommends that the Commission accept waiver requests to allow modifications to all grandfathered earth stations operating in the extended C-band that are located outside of the largest 200 BTAs.<sup>10</sup> New Skies states that its proposal for immediate and limited relief from the freeze would allow satellite operators to continue to provide services without substantially restricting the growth and development of terrestrial service opportunities in the extended C-band.<sup>11</sup> The C-Band Coalition states that by providing this immediate relief, the Commission will preserve the viability of satellite telecommunications services that rely on the significant investment already made to launch and operate extended C-band transponders.<sup>12</sup>

4. We continue to believe that a freeze limiting the growth of new earth station facilities in the extended C-band is necessary to ensure that adequate opportunities exist for fixed services in the 3650-3700 MHz band. As noted in the *Notice and Order* a broad range of fixed services could be implemented in the 3650-3700 MHz band which will could help to achieve the

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<sup>5</sup> See Modified Request For Emergency Relief And Request For Expedited Action, dated October 28, 1999, filed by New Skies Satellites N.V.

<sup>6</sup> See Ex Parte submitted by the C-Band Coalition dated December 16, 1999.

<sup>7</sup> See Modified Request For Emergency Relief And Request For Expedited Action dated October 28, 1999, filed by New Skies Satellites N.V. See also Ex Parte submitted by the C-Band Coalition dated December 16, 1999.

<sup>8</sup> See Modified Request For Emergency Relief And Request For Expedited Action dated October 28, 1999, filed by New Skies Satellites N.V.

<sup>9</sup> See Modified Request For Emergency Relief And Request For Expedited Action dated October 28, 1999, filed by New Skies Satellites N.V. See also Ex Parte submitted by the C-Band Coalition dated December 16, 1999.

<sup>10</sup> See Ex Parte submitted by the C-Band Coalition dated December 16, 1999.

<sup>11</sup> *Id.*

<sup>12</sup> See Ex Parte submitted by the C-Band Coalition dated December 16, 1999.

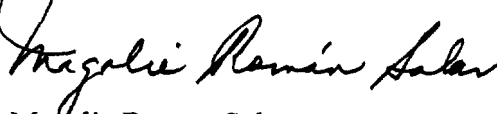
overarching goals of Section 706 of the Telecommunications Act of 1996 by providing advanced telecommunications capability to all Americans.<sup>13</sup> The proposals submitted by New Skies and the C-Band Coalition to lift the freeze are unacceptable because such action would likely have the effect of significantly limiting or precluding future fixed service operations in this band. However, we find that a *limited* lifting of the freeze will provide relief for satellite users of the extended C-band without jeopardizing its future availability for terrestrial uses. We will therefore accept applications for new extended C-band earth stations or major modifications of an existing extended C-band earth station if the proposed earth station facilities are located in close proximity (i.e. 10 miles or less) to an existing, grandfathered extended C-band earth station in the 3650-3700 MHz band. We find that this will provide reasonable opportunities to obtain suitable real estate for the placement of new extended C-band earth stations near grandfathered extended C-band earth stations. A list of existing sites is appended to this Order. We find that the introduction of new extended C-band earth stations in close proximity to an existing grandfathered extended C-band earth stations will not substantially impede the opportunities for the introduction of fixed services in the 3650-3700 MHz band. Further, we find that this action will provide relief to satellite operators while having a *de minimis* impact on the opportunities for the provision of fixed services in the 3650-3700 MHz band.

### ORDERING CLAUSES

5. In accordance with the above discussion and pursuant to the authority contained in Sections 4(i), 302, 303(e), 303(f), 303(g), 303(r), and 405 of the Communications Act of 1934, as amended, IT IS ORDERED that the Request For Relief and Modified Request For Emergency Relief and Request For Expedited Action filed by New Skies Satellites N.V., ARE HEREBY GRANTED, in part, and DENIED in part. The application processing changes discussed above will become effective upon release of this item by the Commission.

6. For further information regarding this Memorandum Opinion and Order in this proceeding, contact Rodney P. Conway, via phone at (202) 418-2904, via e-mail at [rconway@fcc.gov](mailto:rconway@fcc.gov), or via TTY (202) 418-2989, Office of Engineering and Technology.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas  
Secretary

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<sup>13</sup> See Notice of Proposed Rule Making and Order, released December 18, 1998, 14 FCC Rcd 1295 (1998) at paragraphs 2 and 6.

## APPENDIX A:

<b>Table 1: Authorized Extended C-Band Earth Stations<sup>14</sup></b> <b>(Receive at 3625-3700 MHz and Transmit at 5850-5925 MHz)<sup>15</sup></b>			
State	City	North Latitude	West Longitude
California	Carmel Valley	36° 24' 10"	121° 38' 48"
	Culver City	34° 01' 06"	118° 24' 13"
	Livermore	37° 45' 39"	121° 47' 59"
	Los Angeles	34° 01' 53"	118° 27' 18"
		34° 01' 54"	118° 27' 15"
		34° 01' 54"	118° 27' 18.3"
		34° 01' 54"	118° 27' 21.2"
	Malibu	34° 04' 49.67"	118° 53' 43.91"
		34° 04' 50.32"	118° 53' 46.40"
	Mountain House	37° 45' 01"	121° 35' 34"
		37° 45' 02"	121° 35' 35"
	Niles Canyon	37° 35' 56"	121° 56' 32"
		37° 36' 00"	121° 56' 35"
	Salt Creek	38° 56' 20.2"	122° 08' 48"
		38° 56' 21"	122° 08' 49.2"
		38° 56' 22.3"	122° 08' 49.6"
	Somis	34° 19' 31"	118° 59' 41"
	Sylmar	34° 19' 04"	118° 29' 00"

<sup>14</sup> In addition, there is an extended C-band earth station on the Midway Atoll.

<sup>15</sup> Most of these earth stations are authorized to make use of both C-band (3700-4200 MHz for downlinks and 5925-6425 MHz band for uplinks) and extended C-band frequencies (3625-3700 MHz for downlinks and 5850-5925 MHz for uplinks).

**Table 1 continued: Authorized Extended C-Band Earth Stations**

State	City	North Latitude	West Longitude
Florida	Medley	25° 50' 26"	80° 19' 03"
		25° 51' 19"	80° 19' 52"
	Melbourne	28° 02' 25"	80° 35' 48"
		28° 05' 10"	80° 38' 10"
	Miami	25° 48' 34"	80° 21' 11"
		25° 48' 35"	80° 21' 10"
		25° 48' 35"	80° 21' 11"
	Miramar <sup>16</sup>	25° 58' 32"	80° 17' 00"
	Orlando	28° 25' 29"	81° 07' 21"
	Palm Bay	28° 02' 28"	80° 35' 42"
Guam	Pulantat	13° 25' 00"	144° 44' 57" <sup>17</sup>
Maine	Andover	44° 37' 57"	70° 42' 01"
		44° 37' 58"	70° 41' 54"
Maryland	Etam	39° 16' 48"	79° 44' 14"
		39° 16' 50"	79° 44' 13"
	Clarksburg	39° 13' 07"	77° 16' 12"
Massachusetts	Whitinsville	42° 06' 59"	71° 38' 08"
New Jersey	Franklin	41° 07' 04"	74° 34' 33"
New York	Staten Island	40° 36' 13"	74° 10' 39"
North Carolina	West Jefferson	36° 25' 50"	81° 23' 45"
Oregon	Moore's Valley	45° 20' 33"	123° 17' 15"

<sup>16</sup> This is a receive-only station.

<sup>17</sup> Guam's longitude coordinate is East, not West.

Table 1 continued: Authorized Extended C-Band Earth Stations			
State	City	North Latitude	West Longitude
Pennsylvania	Roaring Creek	40° 53' 34"	76° 26' 23"
		40° 53' 35.9"	76° 26' 22.6"
		40° 53' 37"	76° 26' 22"
		40° 53' 37.5"	76° 26' 21.8"
Puerto Rico	Carolina	18° 26' 00"	65° 59' 35"
	Caguas	18° 17' 53"	66° 03' 14"
	Cayey	18° 08' 00"	66° 07' 57"
	Humacao	18° 09' 05"	65° 47' 20"
	Rio Piedras	18° 14' 30"	66° 01' 50"
		18° 22' 59"	66° 04' 09"
Tennessee	Nashville	36° 14' 06"	86° 45' 21"
		36° 14' 5.7"	86° 45' 19.4"
		36° 14' 5.7"	86° 45' 21.1"
Texas	Woodland Hills	32° 37' 48"	96° 50' 33"
Virginia	Alexandria	38° 47' 39"	77° 09' 51"
	Shenandoah Court	38° 43' 45"	78° 39' 26"
Washington	Brewster	48° 08' 49"	119° 41' 28"
		48° 08' 51"	119° 41' 29"
West Virginia	Lennox	39° 34' 07"	79° 34' 45"
	Rowlesburg	39° 16' 52.1"	79° 44' 10.7"

**Table 2: Sites Authorized for Less than the Full Extended C-Band**

Band	City, State	Latitude	Longitude
3685-3700 MHz	Miami, Florida	25° 28' 48"	80° 10' 48"
	Atlanta, Georgia	33° 52' 38.23"	84° 27' 58.35"
	Marietta, Georgia	33° 55' 41"	84° 29' 45"
	Guaynabo, Puerto Rico	18° 34' 10"	66° 23' 00"
	San Juan, Puerto Rico	18° 22' 00"	66° 07' 00"
3650-3700 MHz	Auburn University, Alabama	32° 35' 47"	85° 29' 27"

**Table 3: Authorized TT&C Sites**

(Receive at 3698.5-3699.5 MHz and Transmit at 5923.5-5924.5 MHz)

City, State	Latitude	Longitude
Three Peaks, California	38° 8' 51.9"	122° 47' 38"
Hawley, Pennsylvania	41° 27' 51"	75° 7' 47.9"